

REMARKS

The Examiner has rejected claims 51 and 52 under 35 USC 103(a).

The Examiner has indicated that Muller discloses a device having almost every structural limitation/step of the invention claimed in claims 51 and 52, but lacks the specific first and third support configurations.

In addition to lacking the first and third support configurations, Muller also lacks the feature of the second support, that is the support supporting the underside of the workpiece either side of the cutting means being movable in a plane substantially perpendicular plane. In Muller the corresponding support moves in a horizontal plane.

Muller also requires the constraining lateral movement of the separated parts downstream of the most downstream pair of non-driven guide rollers (i.e. rollers 92 and 94), whereas the claimed invention requires there to be no lateral constraint of the workpiece downstream of the most downstream pair of non-driven guide rollers.

In Claims 51 and 52 as amended the feeder consists of a pusher, the being pusher movable back and forth between respective distal ends of said elongate conveyor table in a substantially horizontal plane by a linear drive means. In Muller the feeder comprises pushers in the form of a plurality of ledges on a conveyor, each pusher always moving forwards, and two sets of rollers gripping the wooden workpiece. The ledges present workpieces to the driven feed rollers 64, 66. In Muller it is these driven feed rollers 64, 66 that feed the workpiece to the saw 30, and a second pair of driven rollers 92, 94 that pull the work piece through the saw. Hence, Muller requires three different moving elements to move the workpiece through the saw. Gripping feed rollers as required by Muller are totally inappropriate for feeding elongate metallic elements towards and past a cutter as is required in the present invention.

In the claimed invention it is the synergistic combination of all the features of each of claims 51 and 52 respectively, which result in a device that is effective to cut an elongate metallic workpiece along a substantially longitudinal axis thereof into two separate parts. The features of the first and third support configurations, and the detailed features set out in Claims 51 and 52 are vital to the effective functioning of the invention. There is no disclosure in Muller or the art of record that would lead one skilled in the art of beam splitting (i.e. the separating of elongate metallic workpieces along their lengths)

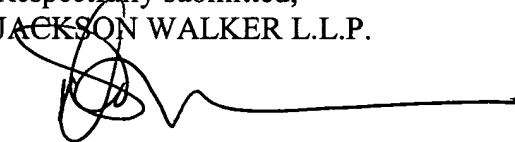
to take those elements known from Muller with those elements not disclosed in Muller to arrive at the claimed invention, and hence such a combination would not be obvious.

Commercial Success

Amended Claims 51 and 52 would not be obvious in view of the commercial success of the present invention. This commercial success is discussed in the declaration of Mr. Eddy which is incorporated herein. Mr. Eddy presents specific evidence and explanation as to why the invention has resulted in commercial success for Steel Centre 4 Limited, a licensee under the present patent application. In particular, Mr. Eddy explains how that company's revenue for splitting beams has risen markedly since the introduction of the invention, and how the device and process of claims 51 and 52 respectively have provided alternative methods of manufacture of rails for cranes and heavy vehicles which are much less expensive than alternative methods.

The Examiner is asked to reconsider the amended claims in light of the arguments presented in this response and the declaration of Mr Eddy and issue a notice of allowance.

Respectfully submitted,
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